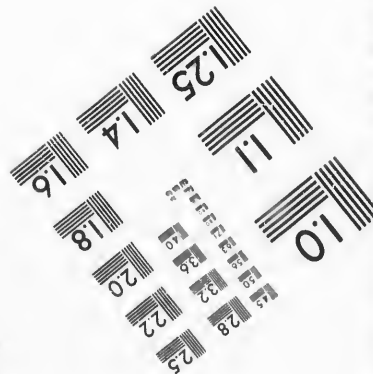
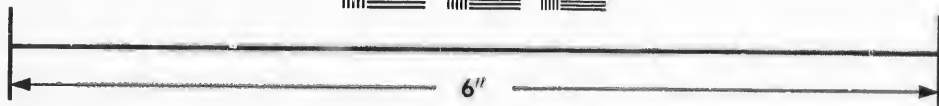
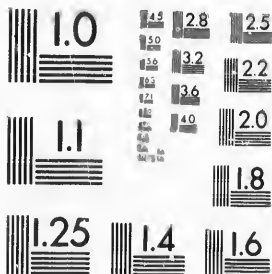


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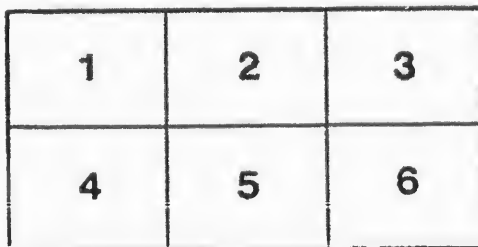
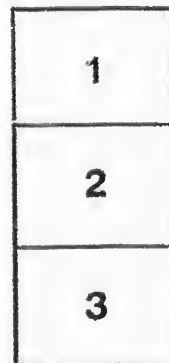
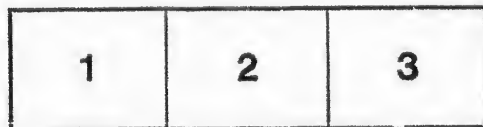
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# GOVERNORS OF COLONIES:

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THEIR CLAIM IN CERTAIN CASES TO RETIRING ALLOWANCES.

1. Much care and anxious attention has been bestowed by Her Majesty's Government from time to time, since the year 1802 down to the Report of the Commissioners on the Superannuation Act in 1857, on questions connected with the expediency of providing, in the interest of the State, adequate retiring allowances for various classes of public officers. The Report of the Commissioners of 1857 is comprehensive and elaborate. The propriety and force of the reasoning by which, from the experience of half a century, and the labours of previous Commissions in eliciting a vast body of oral and documentary testimony, they have deduced certain general conclusions, is no longer questioned. It is admitted that, on the whole, the public does gain by conditionally providing moderate gratuities and retiring allowances for its servants; and also, that such arrangement, by embracing all classes directly employed by the Crown, best obviates the anomalies previously complicating the details of that equitable arrangement.

2. Accordingly, almost all the suggestions of the Commissioners of 1857 have been embodied in a recent Act,\* whose guiding equitable principle is virtually that, whilst direct employment by the Crown is necessary, it suffices also to support claims under that Act — or, in other words, that the Crown should extend its protection, under certain circumstances, to all its own servants; and if any are not embraced within the limits of that Act, we believe the

\* 22 Vict. cap. 26.

omission arose *originally* from misapprehension, and not from design.

3. In that way probably one class of public servants—viz. Colonial Governors—is still excluded from the benefit of that Act, though, more than any other, they may be said to be directly appointed by the Crown—not merely as receiving their commissions direct from the Crown, but far more as actually representing the Crown, and, in a viceregal capacity, practically exercising many of the most important personal and constitutional prerogatives of their Sovereign.

4. It is not apparent why this very striking anomaly was not alluded to by the Commissioners, though it is probable that, in common with diplomatic and political servants otherwise provided for, they may have been considered as beyond the scope of inquiry allotted to the Commissioners in 1857. The Act, therefore, of 1859 is still restricted to such persons only as may have served in the 'Permanent Civil Service,' or been paid from the 'Consolidated Fund, or monies voted by Parliament.\*' It thus excludes Governors, because they are not members of a continuous permanent service in the sense in which a clerk of the Treasury, when once appointed, may be said to belong to a permanent service. A Governor's office is such that, from the very intimate privity existing between the Crown and its immediate viceregal representatives, it must be an office wholly during pleasure, and not during what is ordinarily understood as 'good conduct,' which legally means no more than the absence of misconduct. Secondly, his remuneration being derived from various sources—sometimes from 'monies voted by Parliament;' sometimes from colonial funds; and sometimes from a civil list reserved to the Crown by a colony, and which may be thought to partake of the nature of the two former—it is highly improbable that any person administering, in the course of time, several Governments, could fulfil the second condition of that Act by drawing his salary always and exclusively from the Treasury. For example, the writer's first appointment was a judicial one, paid by the

\* Sec. xvii.



Treasury. He then administered three Governments, of which the salaries of the first two were paid by the Treasury, and that of the third from a civil list, reserved to Her Majesty by the colony out of the receipts of old Crown lands.

5. As, however, the obstacle to putting Governors on the same footing as other public servants in the matter of pensions, is most frequently considered to be the 'financial difficulty' of giving retiring allowances from British funds to 'Colonial' Governors, let us inquire, in the first instance, what this difficulty really means. A 'Governor' is called 'Colonial' because he governs a colony, but he does not therefore become a 'Colonial' officer, more than the General commanding Her Majesty's troops in Canada becomes a Canadian officer because he defends that colony. It is his duty to the Crown, and not his duty to the colony, which connects a Governor with the latter. He is there on the part of the Crown, and is responsible to the Crown, and not to the colony. His commission, instructions, prerogatives—all are given to him by the Crown, and that more completely, more confidentially, and more directly than to any other public servant; for he alone, *'ex mero motu,'* can give the Queen's assent to legislative enactments, remit penalties, and pardon criminals. Even when he most strenuously advances the interests of the colony whose government he administers, he is but discharging his duty to the Crown in the most enlightened and effective manner. He has no sphere of colonial action merely as such, however much he may accomplish for the colony, or be identified with its progress and its history. He can put no 'surplus good works' to his credit as a colonial officer. He is at best but a servant of the Crown; and it is unconstitutional to regard him as empowered to act outside of that character. He cannot be colonial in the sense in which a Chief Justice or Chief Secretary in a colony, where they are appointed by the Crown, become members of a colonial community. Once appointed, they appertain to the colony, as a Treasury Clerk belongs to the Treasury, however often the First Lord of the Treasury may be changed. On the other hand, a Governor never ceases to be tied by a visible link to the



Throne, and shapes his course of action by instructions issued from a source *beyond the boundary of the colony*.

6. Still, it may be said by some, 'If Governors be paid by the colonies, how can they be pensioned from British funds?' There certainly is no abstract principle which should prevent such an arrangement, in case it be thought convenient and practicable. We make bold, however, to ask at once what possible connection the source of a Governor's salary, whilst working for the Crown, can have with his subsequent claim to a retiring allowance, when worn out in the service of the Crown? He goes where he is ordered, and does what he is ordered, without regard to the quarter whence his remuneration may be derived. He knows the Crown *must* always be responsible for his salary, because it cannot dispense with Governors so long as it retains colonies. If it can lighten that expense by making a good arrangement with a colony, '*tant mieux*;' if not, it must either defray the cost from the British Treasury, or *give up the colony*. Now, in twenty-four, or more than half of the forty-five colonies,\* great and small (omitting, for obvious reasons, Gibraltar and the Ionian Islands), which form the long and splendid list of British dependencies, Governors are paid, wholly or in part, by the British Treasury. In ten others, their salaries are paid from 'civil lists,' reserved by statute to the Crown out of proceeds of lands formerly British property, but now surrendered to various colonies on condition of defraying certain charges, including salaries of Governors. In fact, the Governor in twenty-four colonies is paid directly, and in ten others indirectly, from British funds. In the latter, those funds are a mortgage on old Crown property, the proceeds of which are annually accounted for to Her Majesty's Commissioners of Audit, and the unexpended balances of which are still carried on from year to year to the credit of the Crown, as being, at least theoretically, at its disposal.

7. So much for the popular misapprehension as to the source from which the salaries of many British Governors are paid; but it should be known that the real desire and

\* *Vide Appendix A.*

wish of Her Majesty's Government is, for obvious reasons, to withdraw all questions affecting the salaries of Governors from colonial discussion. Thus, in some Crown colonies which are well able to pay the salaries of their Governors, and where the prerogative and influence of the Crown could compel such an arrangement, those salaries are still paid by the Treasury, advisedly and purposely. In fact, it is against the conviction of what is abstractedly right, and only from a view to economy, that salaries of Governors are paid from any source but the British Treasury. The temptation to save has apparently outweighed principle; and hence, whilst the total salaries of forty-five Governors may be put down in round numbers at 130,000*l.* per annum, the British Treasury pays only 36,000*l.* of that sum.

8. Reverting, however, to the question immediately before us—we ask, even if all Governors were paid by the colonies, how can the source whence his salary comes affect the equitable right of the Crown's most immediate servants to expect the same liberal treatment as other public officers? Is it or is it not true, that the Crown, failing to induce or compel other parties to pay a Governor's salary, must defray the cost from the British Treasury if it retain the colony? If, however, the Crown, either by persuasion, or exercise of prerogative, has been enabled to shift on others a charge which otherwise would have fallen on itself, how is it possible to suppose the Sovereign now addressing the representatives of the Crown, and saying, 'You have been my most confidential and immediate servants. You have been entrusted with the most responsible and the highest duties. You have been sent to every climate, and have given me the best years and best energies of your lives. Your services have often been conspicuously useful, and my Ministers have repeatedly expressed my sense of their value. Moreover, I have been so fortunate as to secure and retain those services in a great measure at the cost of other parties. I am, therefore, by reason of these large savings, in a far better position to treat you more liberally than any of my other servants, to all of whom, in Great Britain and Ireland,

as you are aware — from a Secretary of State to a dockyard mechanic — some retiring provision is secured. Nevertheless, *because* you have not cost me so much as others, and *because* I can therefore better afford to be liberal and just to you than to any of my other servants, I will neither treat you liberally nor justly. I have availed myself of your services, but repudiate the claims which spring from thence, and admit those of all my other officers.' Can it be said that the above is an unfair inference, '*ad absurdum*,' from an argument which would except Governors, when worn out in the service of the Crown, from a privilege extended to all its other servants, on the singular ground that, whilst able to work for the Crown, and in actual employment by the Crown, the latter had been so fortunate as to get either the whole or a portion of its Governors' salaries paid by other parties?

9. As if to render the injustice more conspicuous, it should be added that, while all the civil servants of the State in Great Britain are secured in a prospective right to some retiring allowances, almost all colonial officers are now similarly provided for. In Ceylon, the Australian colonies, Demerara, Canada, and many others, a system of superannuation allowances more or less liberal is now established; whilst since June 1849, by a Treasury Minute (No. 14,182), power is given to Colonial authorities (where the Crown has jurisdiction) to determine the amount of retiring allowances of certain minor officers paid from colonial funds. In those and in most other cases the provisions of the English Superannuation Act are applied. Hence it would follow that, whether we look at home or abroad, the position of Governors is unaccountably and peculiarly anomalous.

10. Of course we must expect to hear of some financial difficulty. How are we to get over that? Fortunately, a 'financial difficulty' can be gauged, and simply means a difficulty of paying just so many pounds, shillings, and pence as may be equitably required. If a man owes one hundred pounds, the effort to pay it is a financial difficulty of precisely that amount. In this sense, Great Britain finds a financial diffi-

culty of about 400,000*l.* per annum in paying its Diplomatic and Consular expenses (including those in China and Japan); but as it cannot shift that burden on foreign nations, it faces the difficulty and pays the money. Moreover, independent of Consular pensions, it pays some 22,000*l.* annually in retiring allowances to its Diplomatic servants; but feeling that the object of that expense is just and proper, it surmounts that difficulty also. There was, of course, originally a very great 'financial difficulty' in establishing the existing system of retiring pensions to the general body of civil servants; but, nevertheless, it seems incomprehensible that if a difficulty of that kind did not prevent the British Parliament from doing what was felt to be, on the whole, for the benefit of the public service in the case of certain classes of Crown servants, it should be pleaded now as an estoppel to claims of other servants quite as equitable, and almost identical in character.

11. If, however, it be meant that there would be a difficulty in obtaining, either from the colonies or any extraneous source, a retiring provision for servants of the Crown, we admit it, and believe it to be an insurmountable difficulty, because most people would probably think the care of its special servants should form a special duty of the State.

12. It is more important to consider whether the 'financial difficulty' be really disproportioned to the occasion. We are convinced of the contrary, but shall not go into details which more properly fall within the province of an actuary. Still, as it is desirable to propound some definite scheme whereby the cost may be closely tested by those who wish to pursue the inquiry, we append a brief sketch of a suggested enactment.\* It adopts for Governors the scale for retiring allowances already applied to the Diplomatic service, whose officers, of all other servants of the State, have most affinity to the Sovereign's representatives in the colonies.

13. At the same time, it should be known that the adoption of that scale is recommended, not merely by existing precedents, but by economical reasons, which give it a preference

\* Appendix B.

over the regulations applied to the General Civil Service, under the Superannuation Act of 1859. This will be at once apparent on reference to a 'Report on the Diplomatic Service,' printed by order of the House of Commons in 1861. That document contains a special and interesting comparison, by Mr. Samuel Brown, Actuary of the Guardian Assurance Office, between the actual Diplomatic Pension List of 1861, and the probable amount of the same if calculated according to the rules of the Superannuation Act.\* He shows that whilst, by the Diplomatic scale, the pension list had then reached only 22,000*l.*, it would, under the rules of the Superannuation Act, have reached 46,000*l.*—or more than double its then actual amount.

14. The calculations of Mr. Brown were based on the assumption of there being 140 persons actively employed in the Diplomatic service. Of those, he took only the 35 of highest rank, with total full salaries of 128,000*l.*, or an average salary of more than 3,600*l.* per annum. Now, there cannot be more than 45 administrators of governments in actual employment at once, the total of whose full salaries—about 130,000*l.*—gives an average of less than 2,900*l.* per annum. It is evident, therefore, that, with a far smaller body than that in the Diplomatic service in active employment, and a lower *average* salary in the higher *employés*, the pension list of Governors ought to be considerably below the amount of the former. To this it must be added, that a long series of years from the date of its institution must necessarily elapse before such proposed pension list could reach even that smaller amount.

15. It is unnecessary, and would be invidious, to institute any comparison between the relative importance of the Crown's being adequately represented in foreign countries and in its own colonies. Both are necessary. We may, however, remind our readers that, putting India aside altogether, the British colonial empire comprises an area of 2,385,000 square miles, or more than twenty times the area of the United Kingdom—that it contains ten millions of

\* Report on Diplomatic Service, July 1861, page 11.

inhabitants, with an annual and increasing import and export trade, which already reach nearly 100 millions. On the apt development of the resources, and the guidance of the aspirations and tendencies of the inhabitants of those magnificent provinces, how much of the future history of the globe — how much of the future happiness of mankind — depends!

16. Those who have had experience of our colonies know that although, where there is a free constitution, far more of a nation's progress depends on the people than on their rulers, yet much inevitably depends likewise on the capacity, experience, judgment, and high tone of feeling of those who are entrusted with the responsible duty of representing the Crown and exercising its prerogatives in British colonies. That duty, adequately discharged, would be cheaply recompensed at almost any cost. Yet if we compare the expense of representing Great Britain in foreign countries and in her colonies, we find, on the one hand, that 400,000*l.* per annum is expended on the Diplomatic and Consular services, *exclusive* of liberal retiring allowances; whilst, on the other hand, the representation of the Crown in the colonies costs only some 36,000*l.* per annum — because other parties have taken on themselves to pay the annual balance, amounting to 94,000*l.* From this enormous annual saving, it surely is not too much to ask that something be set apart to put Governors on an equality as to pensions with even the clerks in Government offices! We will not go quite so far as a late distinguished Secretary of State, and say, that the present anomalous and unfair position of Governors, as compared with other public officers, 'is a standing disgrace on every British Ministry for the last thirty years.' We believe them to have been neglected rather because the real merits of their case were not understood, than because there is any disposition on the part of the House of Commons to overlook a fair claim, whether it involves a large, or, as in the present instance, only a small expense.

17. We now turn to that which has occasionally been advanced as a second great objection to putting Governors

on the same footing in regard to pensions as other public officers—viz. that they do not belong to the Permanent Civil Service. We may admit that, under the existing Superannuation Act, they are disqualified on that ground. But the question is not with existing legislation—which has overlooked them altogether—but with those general principles of right and justice on which it is desirable that the national bounty should be dispensed, and which, we contend, ought to apply to all who render direct service to the State.

18. Of course Parliament can abrogate any special provision found to result in exceptional injustice, and might equally do so if superannuation allowances never had been previously granted, except for services continuous in their nature, as though something inherent in the very essence of the relation subsisting between employer and employed had precluded the former from making any provision '*in futuro*,' in return for the latter's services, unless continuous.

19. Such, however, can hardly be the case; because claims based on services—not in their nature continuous—may obviously be amongst the strongest. A greater claim may be established on the gratitude of a State by a brief but eminent service than by one more protracted, as a greater claim is established on the gratitude of an individual by saving his life in two minutes than by copying his despatches for twenty years. Such 'interrupted' services, moreover, have, in several cases, been recognised by English law. In fact, almost the earliest system of retiring allowances was established by the 57th Geo. III., cap. 65, and 6th Geo. IV., cap. 90, whereby liberal pensions are given to certain high public functionaries, and are still secured to them by a later Act, on a lower scale, conditionally that they shall have held one or more of certain specified offices, '*in the whole either uninterruptedly or at different times*,'\* for particular periods, varying—according to the office—from two to five and ten years.

20. Similar provision has been made for diplomatic servants, who, perhaps, of all the civil servants of the Crown, most nearly resemble Governors, in the representative and confidential

\* *Vide* 4 & 5 Wm. IV., cap. 24, ss. 1, 2, 3, 4.



nature of their duties. By the 2nd & 3rd William IV., cap. 116, pensions, of five different classes, are secured to diplomatic servants, on the expiration of fifteen years from the date of their first commissions, provided they have actually served ten years. No continuous service is, in their case, insisted on, simply because with them, as with Governors, such a condition would be impossible. The nature of both employments, unlike the ordinary permanent civil service, renders tenure of office terminable by circumstances which neither Governor nor Ambassador can control. Nevertheless, though neither can, strictly speaking, be called a permanent officer, one is provided for, and the other neglected.

21. It results, therefore — though few of the general public are aware of it — that there actually still are officers of the highest class, directly employed by the Crown, discharging eminently responsible, difficult, and confidential duties, *who, nevertheless, alone of all the servants of the Crown*, might be so employed for twenty, thirty, or forty years; and when they had expended the very cream of their life and manhood on arduous and wearing duties in every climate, till, eventually, they had become worn out, either in actual duty, or, still worse, in waiting for occasional turns of duty, might be — and, in fact, *must* be — finally turned adrift, without a claim to the smallest pittance from the Crown which they had served, or the slightest right to any recognition by their country. That is, after all, the main grievance. It is not a matter of money, in some cases at least, so much as of feeling that there is an abrupt, complete, and, in appearance, thankless severance, sooner or later, of all Governors, as such, from the civil service of the Crown, which had become their pride, and the chief object of an honorable ambition.

22. Moreover, it is no slight aggravation of the hardship attending such entire severance from that service, that the very nature of a Governor's duties involves a heavy official expenditure, greatly increased by the losses attending each removal, items which in the great majority of cases are so entirely disproportioned to the amount of his official income as to preclude him from laying by any adequate provision for

his family. On the other hand, having no fixed and continuous stipend, he cannot do so by means of insurance; and under such circumstances, if he has recourse to a former profession, he finds himself isolated and friendless, in exact proportion to the length of time which he has expended in the service of the Crown.

23. How is it, then, that these things can be, and that whilst such care has been bestowed by the Superannuation Commissioners and Her Majesty's Government in looking up and remedying a 'mass of anomalies and inconsistencies most injurious to the public service;\*' this 'anomaly' and this 'inconsistency,' so remarkable when pointed out, could have escaped notice, or if noticed can have been neglected?

24. The truth is, that whilst it may have been beyond the scope of their immediate inquiry, there were also two principal reasons why the subject had never been fully brought before the country. The first was, that till within the last twenty years the great majority of colonial governorships were held by military and naval officers, who, labouring comparatively under no disadvantage, had no claim to urge; for not merely did they receive increased pay and rank for the time being, but during such employment their own professional rank went on advancing, till Governors who had originally commenced as only military captains became generals during their civil employments, and found themselves entitled to all the emoluments and retiring pay connected with their increased professional rank, when superseded in their civil employment. Those who were really aggrieved were, therefore, few, and their influence insufficient to obtain a hearing; though it seems difficult to understand on what principle an injustice to a few should be continued, especially when for that very reason its redress would involve but an inconsiderable outlay.

25. It is probable, however, that the second reason is that which has had, and which probably may still have, most weight—viz., the supposed difficulty attending any equitable arrangement. It may also fairly be assumed that, as *direct servants* of the Crown, Governors have the same equitable claim on the

\* *Vide* Report, 1857, pp. 7 & 28.

Crown whether they serve in a colony or in England; and it is not denied that if they have no claim on the Crown, they cannot, from their position towards the colonies, have any claim on the latter, whose servants they certainly are not. All this may be admitted: but still it may be affirmed, though erroneously, that the difficulties of dealing with the question are such that it is better for the public interests not to bring it forward.

26. Those who are acquainted with what has been passing are aware that the latter is the tone occasionally, but not unkindly, assumed in discussing the question. We think we have already sufficiently adverted to this assumption. Fortunately, it does not seem in unison with the tone of the immediate advisers of Her Majesty. They, having most opportunities of knowing the nature of the work done by the class of officers in question, are supposed to be willing to consider any well-digested plan of general application for meeting their claims, and formerly were twice prepared with a measure of relief, which was not brought forward only through press of other business. If, however, during next session, a similar measure be introduced and be objected to, it would probably be on some hacknied ground, such as the unsuitableness of the present moment for its discussion, and not because it would in itself be inexpedient. Possibly it might also be urged, in deference to a theory much in vogue just now, that, if colonies ought to be required to defray the whole cost of their administration, they should also provide retiring allowances for Governors, as being an expense connected—indirectly at least—with their local administration. To push to such an extreme a principle in itself sound, and whose application is desirable in those cases where it is both practicable and just, seems very like riding a hobby to death. It is not difficult to imagine the reply which Victoria, Canada, New South Wales, or any colony which already defrays the cost of the administration of its Governor whilst residing with them, would give, if asked to provide likewise for his claim to a retiring allowance, when his connection with them had ceased, possibly against the wish of the community, and necessarily

without consulting it. Why might not a similar demand with equal justice be made for a Governor's travelling expenses to and from a colony? Or why should not Victoria be expected—by a parity of reasoning—to provide a pension or contribute to the half-pay of every General who may have the honour of commanding Her Majesty's troops in that colony? Such reasoning—or rather absence of reasoning—ignores altogether the Crown's intimate connection with, and direct control over its Governors and Generals.

27. There may be some difficulties, but, if earnestly grappled with, they will disappear. It is not intended, and it is not for the interest of the country, that a Secretary of State should have the irksome duty of dispensing with useless services lessened by giving him a power of gently dropping that class of officers into retiring pensions. On the other hand, as the Superannuation Commissioners observe, it is not desirable that, in the absence of any retiring provision for 'an estimable public servant,' a minister should retain him in service after he had become incompetent to perform his duties; which, as the Commissioners observe, 'is perhaps the strongest argument in favour of a system of superannuation.'

28. The truth is, that with no class of officers is *it so easy* to make a provision equitable both to them and the public; for, as a Governor first receives employment on the understanding that he can hold it for only six years, a Minister of State has ample opportunity of deciding, during that period, on his fitness for further employment—an opportunity which he never can have with those officers who, when once admitted into the service, are permanently received into it. Moreover, the injury done to the officer by the rupture of his professional and social ties is, of course, less if he be put aside early than if, having been employed for a longer period, he find himself finally superseded. Even in the permanent civil service, excepting in special cases, no claim to an annuity accrues till after ten years of actual work.

29. If, however, Her Majesty's Government employs a civilian as a diplomatist or a governor, not merely once, but

twice, thrice, or oftener, it is impossible not to feel that such employment given, probably by very different Administrations, is given because the public is thought to be well and efficiently served by him. It is also impossible not to feel, that, with so many facilities for 'dropping' such an officer, there is a tacitly admitted growing claim of the latter on the Crown, if frequently employed, proportioned to the impossibility of his having recourse to the profession or employment which he has either abandoned, or into which he was prevented entering by a preference for direct service under the Crown.

30. Now, it is quite competent by a short Act, as we have shown—or if a consolidation of existing Acts be thought desirable, by the insertion of a few clauses—to fix any period of service, or any number of years of office, as essential to the full development of the inchoate right of a Governor to some provisional or retiring allowance. Why should it be more difficult or less just to do so in their case, than in that of diplomatic officers? or what greater difficulty is there in classifying colonies any more than embassies and missions, and proportioning retiring allowances to Governors as well as to Diplomatic agents, according to the class in which each had served? '*Mutato nomine*,' the thing is already done by the 2 & 3 W. 4, cap. 116, sec. 6, from which we have taken the conception of the draft Act given in the Appendix.

31. It cannot be doubted but that a system which would draw a line of demarcation anywhere—for example, a certain amount of work done within fifteen years from a first commission, as in the diplomatic service—would be far more satisfactory to the officers employed than the present absence of all system. He who found himself laid aside before he could reach the boundary line by reason of the State's possessing servants of superior merit, might forthwith betake himself to some other pursuit—with bated hopes and chances diminished, it is true, but nevertheless better than if he had been lured on to waste further time in seeking employment profitless during its continuance, and fruitless at its termination, except in the recollection of duty honorably discharged.

Any system which keeps up and feeds with hopes deferred a numerous corps, of which only a few can be employed, is a system of cruelty to a deserving class of public servants, and a failure so far as regards securing the most efficient officers.

32. The great, the cutting hardship felt at present is, that *no* length of service, and *no* amount of merit, entitle to any provision. Therefore, however hard or unreasonably severe, as compared with other branches of Her Majesty's service, might be the terms imposed, still they could not but be preferable to the present tacit repudiation of all claims, which finally leaves civil governors of every degree of merit alike completely stranded and cast out from that service.

33. Nevertheless, it must not be supposed that, because a trivial amount of recognition is preferable to complete repudiation of a Governor's services, Her Majesty's advisers will forget how obviously that service is of a kind for which, in 1857,\* the Superannuation Commissioners recommended special provision (such as has since been effected in other cases, by the 9th section of 22 Vict. c. 26) by counting a number of additional years' service over and above the actual service in the case of certain officers. If Governors had been pensioned under the Superannuation Act, they would obviously have been included in such special class, because they must necessarily commence their service at a mature period of life, and not unfrequently with useful professional education, on the acquisition of which large sums of money and years of application had been previously expended.

34. Indeed, so probable did it appear that only persons of mature years and experience would be employed in that capacity, and so likely that any one employed in Her Majesty's service here and transferred to 'Governorships of Colonies and other high offices abroad,' would be a person already entitled to some superannuation allowance, that the Superannuation Act of 1859 † expressly secures such retiring allowances to gentlemen so transferred from employment *at home*. Nay, more, so anxious and so provident is the State in everything which concerns the wel-

\* Vide Report, 1857, p. 23.

† 22 Vict. cap. 26, sec. xii.

fare of all its servants, except governors, that it not merely secures the claim of the former to a superannuation allowance proportioned to their previous service, but in their case counts service abroad as service at home, and directs that a proportionately *increased* retiring allowance be immediately 'granted them on expiration of such term of service, without a renewal of public employment!' Truly, were it not that the whole tone of English public life — as also the nature itself of the high and confidential duties entrusted to governors — forbid such an idea, some persons might suppose that the pointed exclusion of the latter on every occasion from the least recognition, as of right, by the State, at the expiration of their services, meant something disparaging to that class of officers.

35. It seems, however, unnecessary to accumulate further evidence of the unequal distribution of the favors of the State between colonial governors and other servants of the Crown. It is, moreover, improbable that there would be any disposition, either on the part of Her Majesty's Ministers or of Parliament, to resist some comprehensive and equitable arrangement of the claims of Governors on the Crown such as has been briefly sketched above. There are, therefore, strong reasons for hoping that another session will not be permitted to pass without securing the legislation necessary to give effect either to that scheme, as one already known to the Queen's service, or to some other which Her Majesty's advisers may prefer.

36. Moreover, it cannot be too often repeated that there are special facilities, as above remarked, for effecting such satisfactory and equitable arrangement. There has been no previous legislation on the subject; there are, strictly speaking, no established rights to be dealt with; and, therefore, in some degree, whatever be done, though trifling, either absolutely or relatively, in comparison with what has been done for others — must be, more or less, an act of grace and favor. To a certain degree, also, if the general outline of the superannuation scheme established for the diplomatic service be also adopted for governors, there has long been



in action a self-operating process, whereby any chaff which may have got in, must have been, in some degree, already winnowed out; whilst as the power of renewing terms of service rests entirely on the Secretary of State's opinion of an officer's efficiency, nothing but fresh appointments, made with that foreknowledge, can complete the inchoate right, under such a scheme, of the great majority of governors *to any retiring allowance at all*. Should there be special difficulties, no objection need be anticipated to investing Her Majesty's Lords of the Treasury with ample power to deal with them.

LONDON: JANUARY 1863.

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## APPENDIX.

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### A.

#### SOURCES FROM WHICH THE SALARIES OF COLONIAL GOVERNORS ARE PAID.

##### 1.—*Colonial Civil Lists, granted in exchange for the surrender of the Crown Lands.*

New South Wales	Queensland
Tasmania	Canada
South Australia	New Brunswick
Victoria	Nova Scotia
New Zealand (with £1,000 from Colonial Revenue)	Newfoundland

##### 2.—*Colonial Revenue.*

Mauritius	British Honduras
Ceylon	Turk's Island
Hong Kong	Cape
Trinidad	Natal
British Guiana	St. Helena
St. Lucia	Malta

##### 3.—*Partly Imperial and partly Colonial Funds.*

Jamaica*	Vancouver Island, British Columbia
Bahamas	Bermuda

\* After July 1863, the salary of the Governor of Jamaica, with some other items, will probably be paid from a perpetual annuity of £6,000 granted by the colony. That annuity, however, if granted, will be a costly one to Great Britain, having been purchased by a loan of £200,000 from Great Britain to the colony, which is to be cancelled in consideration of the expected annuity. In a few years, doubtless, the loan of £200,000 will be forgotten, and the Governor of Jamaica's salary will be regarded as paid from Colonial funds!

4.—*Imperial Funds.*

Sierra Leone	St. Vincent
Gold Coast	Grenada
Gambia, (with £200 from Colonial Funds)	Tobago
Lagos	Montserrat
Prince Edward Island	Dominica
Falkland Islands	St. Kitts
Western Australia	Nevis
Barbadoes	Virgin Islands
Antigua	Heligoland
	La Réunion

## B.

*An Act to provide in certain cases Retiring and Superannuation Allowances for Governors of Colonies.*

WHEREAS it is expedient that Colonial Governors should no longer be excepted from the benefits extended to other civil servants of the Crown by various Acts, under which superannuation and retiring allowances are already secured to certain high officers of State, and to other Public servants, but are limited to members of the permanent Civil Service of the Crown paid by monies voted by Parliament.

Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, it shall be lawful for Her Majesty's Principal Secretary of State for the Colonies, together with the Lords Commissioners of Her Majesty's Treasury, to prepare a list, dividing the various Colonial possessions and dependencies of the British Empire into four or more classes, and from time to time to alter and rearrange the

Power to Secretary of State and Treasury to classify the British Colonies.

division so made by any Minute to be by them framed for that purpose, in such form as may to them seem most expedient.

II. And be it further enacted, that it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to grant a pension, on such conditions and subject to such regulations as the said Lords Commissioners may from time to time deem most expedient, to any person who shall have actually administered the government of any one or more colony or British possession in the classes aforesaid: Provided that no pension under the authority of this Act shall exceed the sum of £                      per annum if granted to any one person for the first class, £                      for the second class, £                      for the third class, £                      for the fourth class, and £                      for any lower class: Provided also, that pensions shall only be granted under the following regulations and restrictions (that is to say):

Power to Treasury to grant pensions to ex-Governors, not exceeding certain amounts.

First. That no pension whatever shall be granted to any person under this Act till the expiration of Fifteen years from the date of his first commission authorising him to administer a government, nor unless he shall have been employed in the actual administration of some government for Ten years.

Limitation of power to grant pensions.

Second. That no ex-Governor, who may have administered several governments, shall be qualified to receive the pension allotted to the government of the highest class which he may have administered as aforesaid unless he shall have been employed for six years in the actual administration of a government of such special class.

III. Provided always, and be it further enacted, that if any ex-Governor, being under the age of fifty-five years, shall accept any public office or situation under the Crown, it shall be competent to the said Lords Commissioners to declare that the pension of such ex-Governor shall be suspended, either wholly or in part, during his tenure of such office or situation aforesaid, until he shall attain the age of fifty-five years.

Suspension of pensions in certain cases.

IV. And be it further enacted, that no ex-Governor shall be held to have any absolute right to any pension under this Act; and that no pension be granted to any ex-Governor under this Act, except on the recommendation and with the sanction of Her Majesty's Principal Secretary of State for the Colonies: Provided always, that it shall be competent to grant to any ex-Governor so recom-

Recommendation and approval of Secretary of State necessary to each grant of pension.

mended, and who may have served in several classes, each pension only as may seem to the Lords Commissioners of Her Majesty's Treasury, on the whole, most equitably to meet the claims of any such ex-Governor under this Act.

Account of V. And be it further enacted, that an account of all payments  
pensions to be laid which may be made for pensions to be granted under this Act shall  
before Par- be laid before both Houses of Parliament every year.  
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